

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                      |   |  |
|--------------------------------------|---|--|
| DONALD W. QUEER,                     | ) |  |
|                                      | ) | Civil Action No. 08 – 493                |
| Petitioner,                          | ) |  |
|                                      | ) |  |
| v.                                   | ) | Chief Magistrate Judge Lisa Pupo Lenihan |
|                                      | ) |  |
| RANDALL E. BRITTON,                  | ) |  |
| <i>Superintendent</i> , THE ATTORNEY | ) |  |
| GENERAL OF THE STATE OF              | ) |  |
| PENNSYLVANIA, and THE                | ) |  |
| DISTRICT ATTORNEY OF THE             | ) |  |
| COUNTY OF WESTMORELAND,              | ) |  |
|                                      | ) |  |
| Respondents.                         | ) |  |

**ORDER**

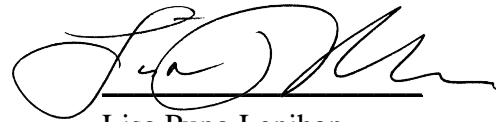
**AND NOW**, this 8th day of January 2014, upon consideration of the petition for writ of habeas corpus and all related submissions, and for the reasons stated in this Opinion, **IT IS HEREBY ORDERED** as follows:

1. The petition for writ of habeas corpus is **CONDITIONALLY GRANTED**;
2. Petitioner shall be released from custody **UNLESS**, within sixty-days after the date of this Order, the District Attorney for Westmoreland County files, in the appropriate court, a petition on behalf of the Commonwealth of Pennsylvania to reinstate Petitioner's direct appeal rights *nunc pro tunc* for consideration on the merits and that his appeal rights are in fact reinstated within that time;

3. If Respondents desire to appeal this Order then they must file a separate application for supersedeas;

4. A certificate of appealability as to Petitioner's other claims is **DENIED**; and

5. The Clerk of Court shall mark this case **CLOSED**.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan  
Chief United States Magistrate Judge

Cc: Donald W. Queer  
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*Via U.S. Postal Mail*

Counsel of Record  
*Via ECF Electronic Mail*